

## March 16, 2006: Rahall Urges Congressional Committee To Act On Delegation Mine Safety Legislation

Rahall Urges Congressional Committee To Act

On Delegation Mine Safety Legislation

WASHINGTON, D.C. - U.S. Rep. Nick J. Rahall (D-WV) today participated in a Congressional mine safety hearing, urging Congress to act on legislation introduced by the entire West Virginia Congressional Delegation in the wake of the State's recent mine tragedies.

"This bill is the opportunity for this Congress to demonstrate that the lessons learned from the tragedies earlier this year at the Sago, Melville and two other mining operations in West Virginia, and elsewhere for that matter, are not falling on deaf ears," declared Rahall.

The "Federal Mine Safety and Health Act of 2006", H.R. 4695, reflects what Rahall, and many others, view as a common-sense approach to dealing with the most immediate and pressing shortcomings of the current mine safety regulatory regime administered by the Mine Safety and Health Administration (MSHA).

At the hearing before the House Subcommittee on Workforce Protections, Rahall stated, "Frankly, just about the entire bill could be implemented administratively if the agency simply had the will to do so. But that, unfortunately, is not the case. For instance, in the emergency rulemaking it recently announced, MSHA addresses several long-neglected safety issues, including the need for increased oxygen supplies in the mines."

Rahall continued, "However, I must point out that, even here, the proposed rule is deficient. It would require an additional one-hour's worth of oxygen for a total of a two-hour supply. By MSHA's own admission, at 76 of the Nation's underground coal mines, miners would need more than two hours of air to escape. So what does that rulemaking say to those coal miners?"

By contrast, the West Virginia Delegation's legislation would require enough oxygen to maintain trapped coal miners for a sustained period of time. If, as a result of adequate study and input during the rulemaking process, sustainability is determined to be three hours, four hours, or whatever, that is what the standard would become.

H.R. 4695 would enhance rescue requirements, resurrecting a proposed rule rejected by this Administration in 2001 to mandate that each operator be required to maintain emergency air supplies and self-contained breathing equipment at

strategic locations within the mine for persons awaiting rescue. Operators would also be required to provide electronic tracking devices with the ability to communicate with those above the surface. Mines would house locations with independent communications systems to the surface, and mine rescue teams would be required to be familiar with the mine.

"For America, which has long led the world in promoting workplace health and safety, the recent mine tragedies have been something of a black eye. They have highlighted advances abroad and a lack of sufficient innovation here at home. With the know-how of this Nation, overcoming the technology hurdle is a small challenge, nudged along by regulation called for in this bill," said Rahall.

In preventative efforts, the legislation stipulates that MSHA reaffirm its prohibition of using entries which contain conveyer belts to ventilate work areas in underground coal mines. This long-standing prohibition was weakened by an April 2004 rulemaking, and this method of ventilation was in use at the Melville mine.

The legislation establishes an Office of Science and Technology Transfer to conduct research and advance new technologies to protect miners. A new avenue for confidential reporting of mine safety and health violations would be created in the form of an ombudsman. And civil penalties for health and safety standard violations would increase.

Rahall concluded, "The simple fact of the matter is that current MSHA regulations and policies are woefully inadequate on several fronts, such as their neglect of advances in technologies that could be deployed to increase the survival of coal miners involved in emergency situations."